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CASE 4-20437D

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1615

GURNY ET AL.

APPLICATION NO: 10/623,888

FILED: JULY 17, 2003

FOR: NANOPARTICLES FOR ORAL ADMINISTRATION OF  
PHARMACEUTICAL AGENTS OF LOW SOLUBILITY**MS: Missing Parts**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450SUBSTITUTE DECLARATION

Sir:

Attached is a copy of the Substitute Declaration which was filed in a parent application, 09/287,421, April 7, 1999. The Substitute Declaration specifies the filing date of the PCT application as April 26, 1996.

Applicants now submit a copy of a fully executed Substitute Declaration and Power of Attorney. Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-0134 in the name of Novartis.

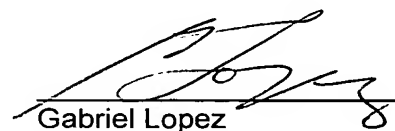
The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-0134 in the name of Novartis.

A duplicate copy of this letter is provided for charging purposes.

01/28/2004 EFLDRES 00000074 190134 10623888

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Respectfully submitted,

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Corporate Intellectual Property  
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Gabriel Lopez  
Attorney for Applicants  
Reg. No. 28,440  
(862) 778-7882Encl: Substitute Declaration  
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Date: 1/22/04



**SUBSTITUTE**  
**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**NANOPARTICLES FOR ORAL ADMINISTRATION OF  
PHARMACEUTICAL AGENTS OF LOW SOLUBILITY**

the specification of which was filed on April 7, 1999 as U.S. Application No. **09/287,421**, and was also filed as Patent Cooperation Treaty International Application No. **PCT/EP96/01769** on April 26, 1996.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge my duty to disclose all information which is known by me to be material to the patentability of this application as defined in 37 C.F.R. §1.56.

I hereby claim the benefit under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and under 35 U.S.C. §365(a) of any PCT international application(s) designating at least one country other than the United States listed below and have also listed below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application the priority of which is claimed for that subject matter:

<u>Country, Region or PCT</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
European Patent Appln.	95810306.1	May 8, 1995	Yes

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

None

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and under 35 U.S.C. §365(c) of any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>United States Application No.</u>	<u>United States Filing or §371 Date</u>	<u>Status or U.S. Patent No.</u>	<u>International Application No.</u>	<u>International Filing Date</u>
08/945,587	November 20, 1997	Abandoned	PCT/EP96/01769	April 26, 1996

I hereby appoint the attorneys and agents associated with Customer No. 001095, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I hereby authorize my aforementioned attorneys and agents and any others acting on my behalf to take any action relating to this application based on communications from the Patents and Trademarks Division of Novartis Services AG, Basle, Switzerland, or an affiliate thereof or a successor thereto, without direct communication from me.

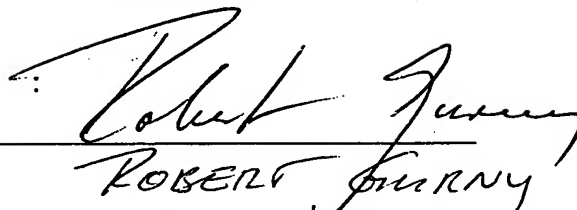
Please address all communications to the address associated with Customer No. 001095, which is currently Michael W. Glynn, Novartis Corporation, Patent and Trademark Dept., 564 Morris Avenue, Summit, NJ 07901-1027.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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(MM/DD/YY)

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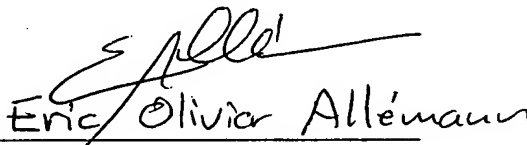
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IMPORTANT: Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.